IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Roelvink et al.

Application No. 09/780,224

Filed: February 9, 2000

For: ADENOVIRAL CAPSID CONTAINING
        CHIMERIC PROTEIN IX

Art Unit: 1636

Examiner: Guzo, D.

DECLARATION UNDER 37 C.F.R. § 1.131 OF PETRUS W. ROELVINK, Ph.D.

I, Petrus W. Roelvink, do hereby declare:

1.   I am an inventor of the subject matter disclosed and claimed in the instant application.

2.   I, along with the other named co-inventors of the instant application, conceived of and reduced to practice the present invention before July 22, 1999, the publication date of WO 99/36545 (Romanczuk et al.).

3.   As merely an example of both the conception and reduction to practice of the present invention, attached to this Declaration is a true and accurate copy of an entry before July 22, 1999, into a DNA construct database at GenVec, Inc., assignee of the instant application. The assembly of the DNA construct was made under my supervision. I performed the actual entry of the information into the computer database at GenVec, Inc. The actual date of the entry has been redacted.

4.   The DNA construct described in the attached database entry, designated pAdCLX-(R)-NHA-IX, encodes an adenoviral pIX protein comprising a non-native amino acid sequence extension at the N-terminus of the pIX protein. Accordingly, the database entry evidences the conception and reduction to practice of a nucleic acid encoding a chimeric adenoviral pIX protein, as recited in, for example, claim 18. Expression of the DNA construct yields a chimeric adenoviral pIX protein, as recited in, for example, claim 1. Incorporation of the nucleic acid sequence into an

adenoviral genome and expression thereof yields an adenoviral capsid as recited in, for example, claim 19.

5.   I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 3/29/02

Petrus W. Roelvink, Ph.D.

GENVEC
PLASMID

New minds. New medicine.

PLASMID NAME pAdCLX-(R)-NHA-IX

OVERALL SIZE (bp) 8584

GENERAL

GENVEC #

MTA RESTRICTIONS ☐

RECEIVED FROM

LOCATION

BOX 25

POSITION 62

COMPONENTS

GENES CLONED none

PRODUCTS EXPRESSED none

PROMOTERS

ENHANCERS

ORI

SPLICE

TERMINATORS

SECRETION SIGNALS

VECTOR/SITE pAdCLx(R)-dP-dX

HOST BACTERIA DH5a

RESISTANCE/MARKER Amp

DESCRIPTION

This plasmid has an extension on the N-terminus of the protein IX coding sequence. It was generated with the Quikchange Kit

NOTEBOOK/ REFERENCE 115

PAGE 92

PROJECT CODE 1040-01

RESEARCHER Roelvink, Peter

DATE

IMAGE

ENZYMES/FRAGMENTS

Digest with BamHI and XbaI will yield three fragments with sizes of 5620, 1714 and 1250 basepairs

Image Filename